



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/842,352

04/26/2001

Moshe Shavit

782.1099

6968

21171

7590

06/05/2006

STAAS & HALSEY LLP

SUITE 700

1201 NEW YORK AVENUE, N.W.

WASHINGTON, DC 20005

EXAMINER

HASHEM, LISA

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/842,352	SHAVIT ET AL.	
	Examiner	Art Unit	
	Lisa Hashem	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S.

Patent No. 6,854,007 by Hammond.

Regarding claim 1, Hammond discloses a method for selecting a delivery mechanism for a message (see Abstract), comprising:

creating, by a sender of the message (col. 4, lines 48-56), a priority table (e.g. Message Tracking Table) of delivery devices (e.g. pager, cellular phone, computer) based on reachability of the message to a recipient of the message using each of the delivery devices prior to sending the message

(e.g. all messages are sent to a recipient's cellular phone if the cellular phone is available, otherwise messages will be sent to a recipient's pager; all messages are sent a recipient's first email address if the email address is valid, otherwise messages will be sent to a recipient's second email address) (col. 2, lines 43-45; col. 3, line 12 – col. 4, line 20; col. 4, lines 48-56; col. 5, lines 17-27);

Art Unit: 2614

selecting a delivery device (e.g. computer or cellular phone) from the priority table having a highest priority (e.g. first email address or first phone number) and sending the message to the selected device;

and continuing, if the recipient did not receive the message using a highest priority delivery device, to sequentially select another delivery device (e.g. pager) according to the priority table and send the message to the selected delivery device, until the recipient receives the message (col. 3, lines 12-30).

Regarding claim 2, the method of claim 1 mentioned above, wherein Hammond further discloses determining a reachability of a recipient before sending the message to the selected delivery device (col. 4, lines 11-28).

Regarding claim 3, the method of claim 1 mentioned above, wherein Hammond further discloses if the message has not been delivered to the recipient after a last delivery device has been selected, selection of delivery devices begins again, starting with the highest priority delivery device in the priority table, after a predetermined time has expired (col. 11, lines 33-47).

Regarding claim 4, the method of claim 1 mentioned above, wherein Hammond further discloses the priority table is configured in a way that all messages (e.g. email or voice mail) are sent to the recipient using a particular delivery device (e.g. computer) (col. 6, lines 38-55).

Regarding claim 5, the method of claim 4 mentioned above, wherein Hammond further discloses the priority table inherently comprises a name/ID of the recipient, the delivery device, and a delivery address for the delivery device (col. 3, lines 12-43).

Regarding claim 6, the method of claim 1 mentioned above, wherein Hammond further discloses the priority table is configured in a way that a delivery device is inherently selected

Art Unit: 2614

according to time of day and day of week (e.g. a sender of a message can select message delivery information that can be specified at the time of sending the original message or after the message has been sent) (col. 3, lines 12-43).

Regarding claim 7, the method of claim 6 mentioned above, wherein Hammond further discloses the priority table comprises a name/ID of the recipient, a list of delivery times and dates, delivery devices corresponding to the delivery times and dates, and delivery addresses corresponding to the delivery devices (col. 3, lines 12-43; col. 5, line 62 – col. 6, line 19).

Regarding claim 8, the method of claim 1 mentioned above, wherein Hammond further discloses the priority table is configured in a way that a first delivery device selected to send a current message is the same device (e.g. computer) used to deliver a previous message to the recipient, and the previous message was delivered within a predetermined amount of time before the current message is sent (col. 4, lines 11-20; col. 9, lines 18-20).

Regarding claim 9, the method of claim 1 mentioned above, wherein Hammond further discloses the priority table is configured in a way that a first delivery device selected to send a current message is a same type of device as the type of device used by the sender to create the message (e.g. if both sender device and recipient device are computers) (col. 3, lines 12-43; col. 4, lines 48-56).

Regarding claim 10, the method of claim 1 mentioned above, wherein Hammond further discloses the sender sends a message to one or more recipients and creates a priority table for each recipient (col. 3, lines 31-43).

Regarding claim 11, the method of claim 1 mentioned above, wherein Hammond further discloses the delivery device comprises one of a 3G wireless device, a mobile phone, a fixed

Art Unit: 2614

telephone, a personal computer, a facsimile device, a pager, and a personal digital assistant (col. 3, lines 24-27; col. 6, lines 38-55).

Regarding claim 12, the method of claim 1 mentioned above, wherein Hammond further discloses a format of the message comprises one of a voice message, a text message, an electronic mail message, an instant message, a short message service message, and a video message (col. 3, lines 24-27; col. 6, lines 38-55).

Regarding claim 13, Hammond discloses a system (e.g. MRS system; Fig. 1; col. 4, lines 29-47) for selecting a delivery mechanism of a message (see Abstract), comprising:  
a preferences and profile database (e.g. server computer system; Fig. 1, 100) containing a priority table (e.g. Message Tracking Table; Fig. 1, 127), created by a sender of the message (col. 4, lines 48-56), of delivery devices (e.g. pager, cellular phone, computer) of a recipient of the message prior to sending the message (col. 2, lines 43-45; col. 4, lines 48-56),  
the priority table being created based on reachability of the message to the recipient when the message is sent via each of the delivery devices (e.g. all messages are sent to a recipient's cellular phone if the cellular phone is available, otherwise messages will be sent to a recipient's pager; all messages are sent a recipient's first email address if the email address is valid, otherwise messages will be sent to a recipient's second email address) (col. 3, line 12 – col. 4, line 20; col. 5, lines 17-27); and  
a priority delivery selection logic unit (Fig. 1, 137) selecting a delivery device (e.g. computer or cellular phone) from the priority table having a highest priority (e.g. first email address or first phone number) and

sending the message to the selected device, and continuing, if the recipient did not receive the message using the highest priority delivery device, to sequentially select another delivery device (e.g. pager) according to the priority table and send the message to the selected delivery device, until the recipient receives the message (col. 3, lines 12-30).

Regarding claim 14, the system of claim 13 mentioned above, wherein Hammond further discloses the priority delivery selection logic unit (Fig. 1, 137) and the preferences and profiles database (Fig. 1, 100) are located within a store and forward portion of a multimedia messaging system (Fig. 1) (col. 4, lines 29-47).

Regarding claim 15, the system of claim 13 mentioned above, wherein Hammond further discloses determining a reachability of the recipient before sending the message to the selected delivery device (col. 4, lines 11-28).

Regarding claim 16, Hammond discloses a computer-readable storage (e.g. memory; Fig. 1, 130) having a program (Fig. 1, 137) stored therein for controlling a computer (e.g. server computer system; Fig. 1, 100) to select a delivery mechanism for a message (see Abstract) comprising:

creating, by a sender of the message (col. 4, lines 48-56), a priority table (e.g. Message Tracking Table; Fig. 1, 127) of delivery devices (e.g. pager, cellular phone, computer) based on reachability of the message to a recipient of the message using each of the delivery devices prior to sending the message (e.g. all messages are sent to a recipient's cellular phone if the cellular phone is available, otherwise messages will be sent to a recipient's pager; all messages are sent a recipient's first email address if the email address is valid, otherwise messages will be sent to a

Art Unit: 2614

recipient's second email address) (col. 2, lines 43-45; col. 3, line 12 – col. 4, line 20; col. 4, lines 48-56; col. 5, lines 17-27);

selecting a delivery device from the priority table having a highest priority (e.g. first email address or first phone number) and sending the message to the selected device (e.g. computer or cellular phone); and continuing, if the recipient did not receive the message using the highest priority delivery device, to sequentially select another delivery device (e.g. pager) according to the priority table and send the message to the selected delivery device, until the recipient receives the message (col. 3, lines 12-30).

Regarding claim 17, the computer-readable storage having the program of claim 16, wherein Hammond further discloses determining a reachability of the recipient before sending the message to the selected delivery device (col. 4, lines 11-28).

Regarding claim 18, the computer-readable storage having the program of claim 16, wherein Hammond further discloses if the message has not been delivered to the recipient after a last delivery device has been selected, selection of delivery devices begins again, starting with the highest priority delivery device in the priority table, after a predetermined time has expired (col. 11, lines 33-47).

Regarding claim 19, Hammond discloses a method of selecting a delivery device for a message (see Abstract), comprising:

receiving priority tables of delivery devices, respectively, for each of a plurality of message recipients, the priority tables being customized for each message recipient (col. 3, lines 12-43); allowing the priority tables of the delivery devices to be dynamically changed for each message recipient (col. 3, line 44 –col. 4, line 2);



Art Unit: 2614

selecting, for each message to be transmitted, a delivery device (e.g. computer or cellular phone) having a highest priority (e.g. first email address or first phone number) from a corresponding priority table and determining whether the recipient of the message to be transmitted is available on the selected device prior to sending the message (col. 2, lines 43-45; col. 4, lines 48-56); (e.g. all messages are sent to a recipient's cellular phone if the cellular phone is available, otherwise messages will be sent to a recipient's pager; all messages are sent a recipient's first email address if the email address is valid, otherwise messages will be sent to a recipient's second email address) (col. 3, line 12 – col. 4, line 20; col. 4, lines 48-56; col. 5, lines 17-27); and continuing, for each message recipient that is not available on the selected device, to sequentially select another delivery device (e.g. pager) according to the corresponding priority table and to send the message to be transmitted to the selected delivery device, until the message recipient is available on the selected device (col. 3, lines 12-30).

Regarding claim 20, Hammond discloses a method for delivering a message (see Abstract), comprising: creating a priority table (e.g. Message Tracking Table; Fig. 1, 127) of delivery devices (e.g. pager, cellular phone, computer) of the message prior to sending the message (col. 2, lines 43-45; col. 3, line 12 – col. 4, line 20; col. 4, lines 48-56; col. 5, lines 17-27); and adaptively cycling through delivery attempts to the delivery devices based on reachability of the message to the recipient until the message is delivered in accordance with priorities of the priority table (e.g. all messages are sent to a recipient's cellular phone if the cellular phone is available, otherwise messages will be sent to a recipient's pager; all messages are sent a

Art Unit: 2614

recipient's first email address if the email address is valid, otherwise messages will be sent to a recipient's second email address) (col. 3, lines 12-30).

Regarding claim 21, Hammond discloses a method for delivering a message (see Abstract), comprising: creating a priority table (e.g. Message Tracking Table) of delivery devices of a recipient of the message prior to sending the message (col. 2, lines 43-45; col. 3, line 12 – col. 4, line 20; col. 4, lines 48-56; col. 5, lines 17-27); cycling through delivery attempts to the delivery devices one at a time until the message is delivered responsive to priorities of the priority table (col. 3, lines 12-30) and changing priorities of the priority table responsive to prior deliveries between cycles (col. 3, lines 31-43; col. 4, lines 48-56) (e.g. a sender of a message can select message delivery information that can be specified at the time of sending the original message or after the message has been sent).

Regarding claim 22, Hammond discloses a message delivery method, comprising: allowing a sender of a message to prioritize multiple delivery destinations associated with a recipient prior to sending the message (col. 2, lines 43-45; col. 3, line 12 – col. 4, line 20; col. 4, lines 48-56; col. 5, lines 17-27); and sending the message to at least one of the multiple delivery destinations in accordance with the prioritization by the sender (col. 3, lines 22-30), where the prioritization is adaptively changed based on message delivery conditions including a message delivery success corresponding to the multiple delivery destinations (e.g. send to a second email address if first email address fails or send to a pager if a cellular phone is not available) (col. 3, lines 22-43).

Regarding claim 23, Hammond discloses a method of delivering a message (see Abstract), comprising:  
prioritizing delivery mechanisms including delivery destinations prior to delivering the message to a recipient in accordance with an input by a sender of the message (col. 2, lines 43-45; col. 3, line 12 – col. 4, line 20; col. 4, lines 48-56; col. 5, lines 17-27); and  
allowing the sender to select at least one delivery mechanism including a corresponding delivery destination for initial delivery of the message and sequentially selecting from the prioritized delivery mechanisms until the message selected for initial delivery is received by the recipient (e.g. send to a second email address if first email address fails or send to a pager if a cellular phone is not available) (col. 3, lines 22-43).

*Response to Argument*

3. In regards to Applicant's remarks filed on 3-20-06, that Hammond does not teach the claimed limitations, Examiner disagrees. Hammond clearly discloses a sender of a message creating a priority table prior to sending the message, wherein the priority table includes message delivery information including multiple delivery devices that a message can be routed to in case the message fails to reach the first delivery device (col. 3, lines 12-30; col. 4, lines 48-56), in sequential order.

In conclusion, Hammond clearly discloses the claimed limitations, please see all rejection(s) above.

4. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection. Please see the rejection(s) above for claims 1-23.

5. Accordingly, **THIS ACTION IS NON-FINAL.**

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent Application Publication No. 2002/0146096 by Agarwal et al discloses creating a priority table of delivery devices based on reachability of the message to a recipient of the message using each of the delivery devices prior to sending the message

7. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(571) 273-8300 (for formal communications intended for entry)

**Or call:**

(571) 272-2600 (for customer service assistance)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

Art Unit: 2614

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

lh

May 23, 2006

  
FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600